

Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

LISA MARROQUIN)
3610 S J St)
Tacoma, WA 98418)
Plaintiff,)
v.)
MERCHANTS CREDIT CORPORATION,)
d/b/a Merchants Credit Association)
c/o David W. Quigley, Registered Agent)
2245 152nd Avenue NE)
Redmond, WA 98008)
Defendant.)

No. 3:09-cv-05565-RJB
ANSWER AND AFFIRMATIVE
DEFENSES

In response to the Complaint filed herein, the Defendant responds as follows:

I.

Luke, Casteel & Olsen, PSC
3400 188th Street SW, Suite 484
Lynnwood, WA 98037
425-744-0411
425-771-3490 (Facsimile)

ANSWER AND AFFIRMATIVE DEFENSES - 1
CASE NO. 3:09-cv-05565-RJB

ANSWER

Answering Paragraph 1, the Defendant admits.

Answering Paragraph 2, the Defendant admits.

Answering Paragraph 3, the Defendant admits.

Answering Paragraph 4, the Defendant admits.

Answering Paragraph 5, the Defendant admits.

Answering Paragraph 6, the Defendant admits that this claim was filed within one year of the May 29, 2009 allegations.

Answering Paragraph 7, the Defendant denies; by way of further answer, Plaintiff telephoned Defendant.

Answering Paragraph 8, the Defendant denies; by way of further answer, Defendant did not threaten any action it did not intend to take.

Answering Paragraph 9, the Defendant denies.

Answering Paragraph 10, the Defendant denies.

Answering Paragraph 11, the Defendant admits it had no intent or ability to garnish, but denies that such was the content of the call.

Answering Paragraph 12, the Defendant denies.

Answering Paragraph 13, the Defendant denies.

ANSWER AND AFFIRMATIVE DEFENSES - 2
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1 Answering Paragraph 14, the Defendant admits and denies as previously set forth.
2

3 Answering Paragraph 15, the Defendant denies.
4

5 Answering Paragraph 16, the Defendant admits and denies as previously set forth.
6

7 Answering Paragraph 17, the Defendant denies.
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9 Answering Paragraph 18, the Defendant admits and denies as previously set forth.
10

11 Answering Paragraph 19, the Defendant denies.
12

13 Answering Paragraph 20, the Defendant admits and denies as previously set forth.
14

15 Answering Paragraph 21, the Defendant denies.
16

17 Paragraph 22, is not a factual assertion and does not require an answer from Defendant.
18

19 Answering Paragraph 23, the Defendant denies all of Plaintiff's requests for relief.
20

21 **II.**
22

23 **AFFIRMATIVE DEFENSES AND SET-OFFS**
24

25 2.1 Contributory Negligence.
26

27 2.2 Failure to Mitigate Damages.
28

2.3 Set-offs against any and all amounts owing to Defendant.
29

30 **WHEREFORE**, having answered Plaintiff's Complaint, Defendant prays for the
31 following relief:
32

33 1. The Complaint of the Plaintiff be dismissed with prejudice;
34

35 Luke, Casteel & Olsen, PSC
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2. Judgment or set off be entered for any and all amounts owed by Plaintiff to Defendant.

3. Reasonable costs and attorneys' fees incurred in the defense of this suit be reimbursed; and

4. For such other and further relief as the Court may deem just.

DATED this 30th day of November, 2009.

LUKE, CASTEEL & OLSEN, PSC

/s/ Kimberlee Walker Olsen
Kimberlee Walker Olsen, WSBA #28773
Attorney for Defendant
kolsen@lukecasteel.com

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Richard J. Meier, rjm@legalhelpers.com and Lawrence S. Lofgren, llo@legalhelpers.com.

/s/ Kimberlee Walker Olsen
Kimberlee Walker Olsen, WSBA #28773
Attorney for Defendant
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